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Letter dated 15 August 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report on the actions undertaken by the Bolivarian Republic of Venezuela to fulfil its obligation to cooperate in the efforts to eliminate international terrorism (see annex). The report was prepared pursuant to the provisions of General Assembly resolution 49/60, but also provides a response to the requirements of Security Council resolution 1373 (2001).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under agenda item 148, and of the Security Council.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

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Annex to the letter dated 15 August 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

Report of the Bolivarian Republic of Venezuela pursuant to the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60

The Bolivarian Republic of Venezuela presents its compliments to the Secretary-General of the United Nations and, in accordance with note verbale No. LA/COD/11/1 of 31 December 2004, has the honour to transmit the report of the Bolivarian Republic of Venezuela pursuant to the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60, of 9 December 1994.

Structure of the report

In accordance with paragraph 10 of the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60, this report is structured as follows:

- Part I addresses recent actions undertaken by the Bolivarian Republic of Venezuela to promote international cooperation in combating terrorism.
- Part II lists the international agreements recently signed and ratified by the Republic. It also provides information concerning the national laws and draft laws that are being drawn up by the Venezuelan State in order to update and harmonize its domestic legislation relating to counter-terrorism, as well as regulations for combating related criminal activities such as transnational organized crime and money-laundering.
- Part III describes the measures taken by the Bolivarian Republic of Venezuela to promote and strengthen the exchange of information on the prevention and combating of terrorism.
- Part IV discusses terrorist acts recently carried out in the Bolivarian Republic of Venezuela, notably those carried out against the Embassy of the Kingdom of Spain and the Consulate of the Republic of Colombia in February 2003.
- Part V describes the measures adopted by the Venezuelan State to bring to justice those responsible for such acts, in accordance with its domestic laws.

I. Bilateral, regional and multilateral cooperation

Text of General Assembly resolution 49/60

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures (...) in particular:

(c) To endeavour to conclude special arrangements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

Among the actions undertaken by the Bolivarian Republic of Venezuela to strengthen and intensify international cooperation in combating terrorism at the national, bilateral, regional, multilateral and global levels, the following are of particular significance:

- Presentation by the Bolivarian Republic of Venezuela at the third regular session of the Inter-American Committee against Terrorism (CICTE), held in San Salvador, El Salvador, from 22 to 24 January 2003. At this session, the head of Venezuela's national counter-terrorism authority submitted to the Permanent Secretariat of CICTE a report on measures adopted pursuant to the recommendations adopted by CICTE at its second regular session and a report on the implementation of Security Council resolution 1373 (2001).

- Presentation by the Bolivarian Republic of Venezuela in the dialogue of CICTE heads of delegation or National Points of Contact, held in San Salvador, El Salvador, on 22 January 2003. At this international forum, the Deputy Minister for Civil Security and head of the national counter-terrorism authority outlined the Republic's achievements to date in combating terrorism, particularly in the area of legislation.

- Participation of the Bolivarian Republic of Venezuela in the fourth regular session of CICTE, held in Montevideo, Uruguay, from 28 to 30 January 2004, during which the Venezuelan delegation submitted to the Permanent Secretariat of CICTE updated versions of the supplementary report of the Bolivarian Republic of Venezuela pursuant to Security Council resolution 1373 (2001), the CICTE questionnaire, and the report on measures adopted following the third regular session of CICTE. Venezuela also informed the session of the publication of the law approving the Inter-American Convention against Terrorism, in Official Gazette No. 37,841 of 17 December 2003, and deposited with the Permanent Secretariat of CICTE the document of ratification of that Convention.

- Attendance at the Dialogue of CICTE heads of delegation or National Points of Contact, which took place during the fourth regular session of CICTE, held in Montevideo, Uruguay, from 28 to 30 January 2004, on the topic "Effective hemispheric strategies for the prevention, detection and eradication of terrorism, taking into account particular subregional and national circumstances".

- Submission to the United Nations, on 27 May 2004, of the report prepared pursuant to Security Council resolution 1269 (1999) on the "Status and

implementation of multilateral, regional and bilateral agreements relating to international terrorism" and of the United Nations questionnaire on the relationship between terrorism and other forms of crime.

- Participation of the Bolivarian Republic of Venezuela in the Second Expert's Workshop on the drafting of legislation and implementation of the universal instruments on counter-terrorism and the Inter-American Convention against Terrorism, held in San José, Costa Rica, from 5 to 8 October 2004. The Venezuelan delegation was led by Ms. María Iris Varela Rangel, Vice-Chair of the Committee on domestic policy, justice, human rights and constitutional guarantees of the National Assembly, who was accompanied by officials of the Office of the Deputy Minister for Civil Security and other Committee members.

  The goal of the workshop was to consider how regional cooperation might be strengthened by exchanging information and harmonizing existing laws for implementing universal and regional legal instruments on the prevention and eradication of terrorism. There was also discussion of the draft laws under consideration by Colombia, the Dominican Republic, Guatemala, Honduras and Venezuela. With specific reference to Venezuela, the workshop's technical facilitators made certain recommendations to the Venezuelan delegation concerning its draft law on terrorism, for consideration by Venezuela's legislature. The head of the Venezuelan delegation then invited the legislative technical advisers to visit the country with a view to providing further legislative technical assistance.

- Participation of the Bolivarian Republic of Venezuela in a training course on bioterrorism organized by CICTE and sponsored by the Pan-American Health Organization (PAHO), which facilitated and financed the participation of two Venezuelan experts in the two-week course, held in 2004.

- Participation of the Bolivarian Republic of Venezuela in the fifth regular session of CICTE held in Port of Spain, Trinidad and Tobago, from 16 to 18 February 2005. The Venezuelan delegation included the head of Venezuela's national counter-terrorism authority, Alcides Rondon, who described Venezuela's legislative progress, as well as its various plans and projects in the area of counter-terrorism. This progress includes the draft national law against acts of terrorism proposed by the National Assembly, as well as related laws such as the law against organized crime, reform of the code of criminal procedure, and the organic law on the national police force.

  Mr. Rondón also discussed the nature and implementation of practical measures such as the introduction of smart passports and identity cards, plans to install biometric identification technology at airport security controls and the future installation of the International Criminal Police Organization (Interpol) database at all border control points.

  Venezuela also approved the following official CICTE documents: the rules of procedure of CICTE, the Declaration of Port of Spain on strengthening cooperation on strategies to sustain and advance the hemispheric fight against terrorism and the CICTE Work Plan for 2005.

  With regard to the Work Plan, it should be noted that the national counter-terrorism authority is currently drafting its national work plan and timetable

for 2005 in order to coordinate the implementation of domestic measures with the country's other institutions and agencies with competence in this area. The counter-terrorism authority is also working with the competent national authorities to coordinate technical training programmes for officials engaged in combating terrorism.

– Participation of the Bolivarian Republic of Venezuela in the third national points of contact meeting of CICTE, held at Port of Spain on 16 February 2005, which addressed the theme "Evaluating the effectiveness of current anti-terrorist policies and practices, including those relating to border controls, transportation security and terrorist financing, and exploring new strategies to promote and sustain the hemispheric fight against terrorism". During the meeting, the head of Venezuela's national counter-terrorism authority, Alcides Rondón, announced that the Venezuelan National Assembly's Committee on domestic policy, justice, human rights and constitutional guarantees would welcome the support of the CICTE secretariat in the area of legislative technical assistance regarding the formulation and eventual approval of the draft law against acts of terrorism, which is scheduled to receive its second reading by the legislature during 2005.

– Participation of the Bolivarian Republic of Venezuela in the 33rd meeting of the technical preparatory committee for the 17th meeting of Ministers of the Interior of the Southern Common Market (MERCOSUR), held in San Bernardino, Paraguay, from 16 to 18 March 2005. Venezuela's delegation was headed by the Deputy Minister for Civil Security and head of the national counter-terrorism authority, Alcides Rondón, who was accompanied by officials of the Ministry of the Interior and Justice, the Immigration Department (ONIDEX) and the Customs and Tax Office (SENIAT).

The primary goal of the meeting was to initiate discussion on the adoption of cooperation agreements and to prepare of work plans for addressing common problems facing the subregion.

It should be noted that this meeting was the first of three preparatory meetings planned for the months of March, April and June 2005 ahead of the 17th meeting of Ministers of the Interior of the Southern Common Market (MERCOSUR), held in June 2005.

Discussions at this first preparatory meeting focused on the following topics:

1. Preliminary draft agreement between the member States of MERCOSUR and associated countries on cooperation and coordination to prevent and/or suppress acts of kidnapping.

2. Preliminary draft agreement between the member States of MERCOSUR and associated countries supplementing the general regional security plan on the sexual exploitation of children and adolescents, prostitution and child trafficking.

3. Discussion on amendments to the rules of procedure for meetings of Ministers of the Interior of the member States of MERCOSUR and associated countries.

4. Consideration of the main public security problems of regional significance faced by each individual member State and associated country.

5. Debate on how each member State and associated country might implement the operational agreement on the implementation of actions to combat piracy and the smuggling of cigarettes and other sensitive products.

6. Follow-up on progress in incorporating the provisions of the framework agreement on cooperation in regional security matters, approved by CMC decision No. 35/04.

The principal agreements reached by the technical committee were the following:

1. Anti-kidnapping experts would be invited to the next meeting with a view to defining operational actions to counter related criminal activity and mechanisms for the exchange of information. It was also agreed that a specialized crime unit should be set up to address this issue.

2. All delegations undertook to consult their respective Ministries of Foreign Affairs regarding the impact of decision 18/04 on rules governing participation by the associated countries of MERCOSUR and of decision 28/04 on agreements reached with the associated countries of MERCOSUR.

3. At the next meeting, each State would present an analysis regarding the crime control modalities envisaged in the general plan on mutual cooperation and coordination for regional security.

4. Member States and associated countries would inform the Temporary Chair how they intended to implement each element of the operational agreement on the implementation of actions to combat piracy and the smuggling of cigarettes and other sensitive products.

5. Venezuela would present an assessment of the framework agreement on cooperation in regional security matters.

6. The next meeting would consider the creation of a crime map with a view to identifying at-risk zones and defining courses of action with respect to environmental crime.

– At the same time, within the framework of the 33rd meeting of the technical preparatory committee for the 17th meeting of Ministers of the Interior of MERCOSUR, Venezuela took part in working groups to formulate strategies in each of the following thematic areas:

1. Permanent working group on terrorism and specialized working group on terrorism.

2. Specialized working group on illicit trafficking in nuclear and/or radioactive materials.

3. Specialized working group on civil security.

4. Specialized forum on migration in the member States of MERCOSUR and associated countries.

The permanent working group on terrorism and the specialized working group on terrorism considered the situation in Venezuela with respect to terrorism. During the session, member States and associated countries exchanged specific information about cases and situations which might be related to terrorism, whether at the national or regional level. The Republic of Venezuela provided information about the relevant policies and projects developed at the national level. It was also agreed that future meetings would include discussion of issues relating to the following: an assessment of the national situation with respect to terrorism; an evaluation of the functioning of the secure information network; a presentation, by each delegation, of a directory of its domestic counter-terrorism machinery; and an exchange of information about chemical and biological terrorism.

The specialized working group on illicit trafficking in nuclear and/or radioactive materials agreed:

(a) To discuss with the authorities of each member State and associated country the document submitted by the delegation of Argentina on criteria for detecting nuclear and/or radioactive material, as well as the document submitted by the delegation of Paraguay on responses to incidents relating to the misplacement of, or illicit trafficking in radioactive materials with a view to considering the possibility of approving them at the next meeting, which was scheduled to take place in April 2005;

(b) To present, at the next meeting, a list of laboratories in each country capable of identifying and quantifying nuclear and/or radioactive materials;

(c) That, at the next meeting of the specialized working group, each delegation would bring a customs official to report on topics such as the creation of lists of border customs for each State, the frequency and methods of communication between them, the existence of integrated customs controls, related training, and other information of interest for the prevention of crimes involving nuclear and/or radioactive material.

The discussions of the specialized working group on civil security focused on the following issues:

1. Introduction of a report identifying the national authorities in charge of the technical units responsible for carrying out civil security policies, programmes and actions in each member State and associated country. Because this was the most important item on the agenda, the Director General for Crime Prevention of the Ministry of the Interior and Justice, Lilian Aya, gave a presentation on the development and progress of the pilot plan for civil security in the metropolitan district, in the context of the integrated national plan for civil security.

2. Consideration of reports containing updated indicators for the cities, districts or urban sectors identified under the "Observatory" project agreed upon at the meeting of Ministers held in Montevideo in October 2001.

3. Presentation on the criminal data-collection systems of each member State and associated country.

4. Agreement on the definition and mutual recognition of policies, strategies, plans and programmes for civil security, and the exchange of practices, as fundamental tools for regional integration. Specifically, the delegations agreed to:

   (a) Define and develop data systems (records and statistics) on crime in each country;

   (b) Identify successful experiences that might serve as best practices to be shared;

   (c) Promote cooperation in the area of education and training in civil security;

   (d) Exchange information and facilitate access to international networks and forums in this area.

Lastly, the special forum on migration of the member States of MERCOSUR and associated countries discussed the following issues:

1. Presentation by the delegations of Argentina and Paraguay of a project to develop a training course, to be presented to the specialized working group on terrorism.

2. The delegation of Uruguay would report on the outcome of its internal discussions concerning the procedure for verifying the entry and exit documents of minors.

3. Presentation by the Bolivarian Republic of Venezuela on progress made in the area of migration, with specific reference to laws regulating the illegal trafficking of migrants and human trafficking.

4. Delegations also agreed to consult their respective Ministries of Foreign Affairs about establishing a new regional conference to take up migration issues in line with the proposal made by the recently created South American Union at its latest meeting, held in December 2004, in the city of Ayacucho, Peru, with a view to defining the mandate of this new organization.

– **Participation by the Bolivarian Republic of Venezuela in the second session of the 33rd meeting of the technical preparatory committee for the 17th regular session of Ministers of the Interior of MERCOSUR, held in Ciudad del Este, Paraguay, from 27 to 29 April 2005. This second session was a continuation of the first session of the 33rd meeting of the technical preparatory committee, which had been held in March 2005. At this second session, the Venezuelan delegation was again led by the Deputy Minister for Civil Security and head of the national counter-terrorism authority, Alcides Rondón, who was accompanied by officials from the Ministry of the Interior and Justice, the Ministry of the Environment and Natural Resources, and SENIAT.**

– **Attendance and participation of the national Financial Intelligence Unit (FIU) of the Bolivarian Republic of Venezuela at the following international events:**

1. Meeting of the FIUs of the Caribbean Financial Action Task Force (CFATF), held in Antigua and Barbuda on 20 and 21 October 2003.

2. Working meeting of FIUs at the 17th plenary meeting and 10th meeting of the CFATF Council, held in October 2003, attended by an official of the national FIU.

3. Attendance at the Training Seminar for Strategic Analysts, held in Vienna, Austria, on 3 and 4 November 2003. This event was sponsored by the United Nations.

4. Admission of the Bolivarian Republic of Venezuela, through its national FIU, to the South American Financial Action Task Force on Money Laundering (GAFISUD) (July 2003).

5. Attendance at the GAFISUD regional conference on investigating money-laundering in South America, held from 18 to 21 November 2003.

6. Participation in the seminar on preventing money-laundering and the financing of terrorism, held in Asunción, Paraguay, on 4 and 5 December 2003. This seminar was sponsored by GAFISUD.

7. Organization by the national FIU of the 2003 classifications exercise, held from 26 to 28 November 2003 at the Office of the Superintendent of Banks and Other Financial Institutions in Caracas, Venezuela. The national agencies which participated in this exercise included the Public Prosecutor's Office, the National Commission against Illicit Drug Use (CONACUID), the Scientific, Criminal and Forensic Investigation Unit (CICPC), the National Guard, the Office of the Superintendent of Insurance Operations, the National Securities Commission, as well as the Venezuelan Banking Association and the Venezuelan Association of Currency Exchange Bureaux. The exercise was supplemented by presentations on the financing of terrorism, given by experts of the United States Federal Bureau of Investigation (FBI), and a presentation on the 40 recommendations and eight special recommendations of GAFISUD on the financing of terrorism, given by the Executive Secretary of GAFISUD.

– Organization of a workshop entitled "Venezuela against money-laundering", held on 30 and 31 March 2005 in Caracas, Venezuela. This workshop addressed the fact that money-laundering is an economic crime, which is being committed at alarming rates and which needs to be addressed at the international level in light of the inadequacy and paucity of current legislation. Banking institutions and the national police authorities must therefore work together to prevent these illicit acts through initiatives to promote the exchange of information among agencies working to combat this scourge.

The workshop addressed the following themes and issues:

(a) Importance of the national FIU in combating money-laundering;

(b) The crime of illicit enrichment through laundering of the proceeds of corruption;

(c) The modalities of cybercrime, in accordance with the law against cybercrime. Specifically: the crimes listed in the law against cybercrime involving money-laundering, computer theft, unlawful acquisition of

smart cards, unlawful acquisition of goods or services, possession of forgery equipment, violation of the privacy of personal data, etc.;

(d) Activities of the Public Prosecutor's Office in investigating and establishing the crime of money-laundering, in accordance with Venezuelan law;

(e) Role of CONACUID in the prevention of money-laundering;

(f) Prevention of money-laundering in Venezuela;

(g) Financing of terrorism;

(h) Basic differences between money-laundering and terrorism;

(i) How money is used in terrorism;

(j) Monitoring of the financial system in Venezuela;

(k) Mechanisms of financial support for terrorists;

(l) How terrorists use the financial system;

(m) Role of the National Guard in combating illicit drug trafficking and its impact on money-laundering;

(n) Financial intelligence and counter-intelligence.

– Participation of the Bolivarian Republic of Venezuela, through CONACUID, in forums of international agencies specialized in drugs and money-laundering such as: the Commission on Narcotic Drugs of the United Nations International Drug Control Programme (UNDCP) and the International Narcotics Control Board (INCB), as well as the Organization of American States (OAS) agencies, CFATF, GAFISUD and the Inter-American Drug Abuse Control Commission (CICAD), of which Venezuela held the Vice-Presidency during the period 2000-2001. Venezuela has also participated in events and forums of the Andean Community (CAN).

– Participation of the Bolivarian Republic of Venezuela in the seminar on institutional integrity in the civil service, organized by CICTE and held from 5 to 8 April 2005 in Lima, Peru. The seminar was attended by officials of the Immigration Department (DIEX), a branch of the Ministry of the Interior and Justice.

II. International agreements and domestic legislation

Text of General Assembly resolution 49/60

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures ... in particular:

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

International agreements and conventions

The international counter-terrorism instruments recently signed and ratified by Venezuela in the context of the United Nations and OAS include:

- International Convention for the Suppression of Terrorist Bombings, adopted in 1997 and signed by Venezuela on 23 September 1988. The National Assembly approved the law on 11 September 2002, and it was sent to the Attorney-General's Office for ratification. It was published in Official Gazette No. 37,727 of 8 July 2003.

- International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 10 January 2000 and signed by Venezuela on 16 November 2001. The National Assembly approved the law on 11 September 2002 and it was sent to the Attorney-General's Office for approval and ratification. It was published in Official Gazette No. 37,727 of 8 July 2003.

- United Nations Convention against Transnational Organized Crime, signed on 14 December 2000 in Palermo, Italy. Approved by the National Assembly and published in Official Gazette No. 37,357 of 4 January 2002. The instrument of ratification was deposited at United Nations Headquarters on 13 May 2002, together with one of its three additional protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

- The Inter-American Convention against Terrorism, adopted by the OAS General Assembly on 3 June 2002, and signed by Venezuela on the same date. The law approving the Inter-American Convention against terrorism was published in Official Gazette No. 37,841 of 17 December 2003. Later, on 28 January 2004, during the fourth regular session of CICTE, the Bolivarian Republic of Venezuela transmitted to the OAS secretariat the document of ratification of the Convention.

The following are the international instruments associated with efforts to combat terrorism in the areas of transnational organized crime and money-laundering which have been signed and ratified by the Bolivarian Republic of Venezuela:

- Approval of the United Nations Convention against Transnational Organized Crime, signed on 14 December 2000 in Palermo, Italy and published in Official Gazette No. 37,357 of 4 January 2002.

- Ratification of the United Nations Convention against Transnational Organized Crime, and deposit at United Nations Headquarters, on 13 May 2002, along with one of its three additional protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

- Signing of a memorandum of understanding between the Financial Intelligence Unit of Korea (KoFIU) and the national FIU of the Bolivarian Republic of Venezuela, on 6 November 2003, with a view to exchanging information and issuing timely alerts between the two financial units.

- Signing of memorandums of understanding for the exchange of financial information between the Office of the Superintendent of Banks and Other Financial Institutions, through the national FIU, with the following countries:

Colombia, Spain, United States of America (signed with the Embassy of the United States of America on 16 September 1999).

- To date, the Bolivarian Republic of Venezuela, through CONACUID and the Ministry of Foreign Affairs, has signed 33 bilateral international instruments concerning the prevention and control of drug-trafficking and money-laundering, not only with countries of our continent, but also with States of the European Union and the Asia and Pacific region (for example, with Malaysia in 1990 and, more recently, with the Islamic Republic of Iran on 10 August 2000).

Domestic legislation

With regard to domestic law, the Bolivarian Republic of Venezuela has the following national laws and draft laws to combat terrorism:

- Draft special law against acts of terrorism, approved in first reading by the National Assembly of the Bolivarian Republic of Venezuela. Currently the draft law is included in the legislative agenda for 2005 for second reading and approval by the Venezuelan parliament.
- In the context of information security, it should be noted that Venezuelan legislation includes a special law against cybercrime, promulgated on 4 September 2001.
- Related national draft laws, such as the law against organized crime and the organic law on narcotic drugs and psychotropic substances, and reform of the code of criminal procedure and the organic law of the national police force, which are to be taken up in second reading under the legislative agenda for the first half of 2005.

The Bolivarian Republic of Venezuela is also developing national laws and draft laws to control criminal activities related to the phenomenon of terrorism, such as transnational organized crime and money-laundering, including the following important instruments:

- Second reading of the draft organic law against organized crime, included in the legislative agenda for the first half of 2004.
- Entry into force of the general law on banks and other financial institutions, through Official Gazette No. 5,555 of 13 November 2001. This law, which follows the lines of the existing national legislation and the accepted principles for ensuring effective bank supervision, establishes practices and procedures within the banking sector to promote high ethical and professional standards, with the objective of preventing the use of the banking system by criminal organizations.

In order to achieve these objectives, article 226 of the law establishes within the functional structure of the Office of the Superintendent of Banks and Other Financial Institutions a national financial intelligence unit (FIU)which functions as a central clearing house responsible for receiving, analysing and classifying suspicious activity reports submitted by institutions, companies and individuals subject to its supervision and forwarding them to the Public Prosecutor's Office. In

addition, it collects financial information, both objective and subjective, on suspicious activities to assist the criminal investigation authorities.

In line with the above, the Office of the Superintendent of Banks and Other Financial Institutions has issued a series of circulars designed to control financial transactions carried out by organized crime, and by terrorists. These include:

- Circular No. SBIF.UNIF-DPC-0563, which establishes the obligation of financial institutions to report transactions which they detect or suspect are related to the laundering of funds derived from activities connected with organized crime, or intended for the financing of terrorism.
- Circular No. SBIF.UNIF-DPC-7961, of 23 September 2002, which requires financial institutions under its supervision to report to the national FIU any suspicious transaction or activity suspected of being linked to activities of organized criminal groups or structured groups defined in the law approving the United Nations Convention against Transnational Organized Crime.
- Circular No. SBIF, UNIF-DIF-03759 of 9 April 2003 establishing the regulations to be implemented by the financial institutions and other enterprises under the supervision of the Office of the Superintendent of Banks, including universal, commercial and investment banks, currency exchange bureaux, financial lenders, money market funds and savings and loan institutions, with the purpose of detecting the modalities used for the financing of terrorism.
- Article 213 of the organic law on narcotic drugs and psychotropic substances establishes the obligation of the executive branch, through the appropriate agencies, to design and develop an operational plan including preventive measures at the national level to keep the banking and financial system from being used to launder funds and economic assets derived from the commission of the crimes specified in the Law or from related activities.
- Resolution 333-97 of the Office of the Superintendent of Banks and Other Financial Institutions setting forth regulations on the prevention, control and investigation of money-laundering operations applicable to the Venezuelan financial system.
- Resolution 510-97 of the National Securities Commission setting forth regulations on the prevention, control and investigation of money-laundering operations applicable to the Venezuelan capital market.
- Resolution 040-99 of the National Securities Commission setting forth regulations on transparency in capital markets.
- Resolution 006-0598 of the Financial Emergency Board setting forth the rules of authorization and operation applicable to currency exchange operations.
- Resolution 98-03-01 of the Central Bank of Venezuela setting forth the rules applicable to border currency exchange operators.
- Resolution 99-3-3-3820 of the Office of the Superintendent of Insurance Operations, setting forth regulations on the monitoring and investigation of insurance and reinsurance operations with a view to preventing money-laundering.

III. Systematic exchange of information on the prevention and combating of terrorism

Text of General Assembly resolution 49/60:

5. States are urged (...) in particular:

(...)

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by (...) conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis.

The Bolivarian Republic of Venezuela has adopted national measures to ensure the timely exchange of information concerning the prevention and combating of terrorism. They are as follows:

- Establishment and designation by the executive branch of a national counter-terrorism authority which will be responsible for ensuring coordination and cooperation between agencies, institutions and organizations at the national and international levels in this area.
- Plan for the establishment of a high-level commission to combat terrorism, which will act as an advisory body to the President of the Republic.
- Implementation of practical measures, such as: introduction of smart passports, plans to install biometric identification technology at airport security controls and the future installation of the INTERPOL database at all border control points.
- Offer of cooperation to CICTE in conducting workshops and seminars in our country and training programmes in our national FIU;
- Establishment of the national FIU as the central national body responsible for processing all data derived from the Venezuelan financial system in order to monitor capital flows and subsequently report to the competent authorities intelligence information concerning the financing of activities of criminal organizations and terrorist groups, in accordance with article 266 of statutory decree No. 1,526 amending the general law on banks and other financial institutions published in Official Gazette No. 5,555 of the Bolivarian Republic of Venezuela of 13 November 2001. The functions of the national FIU include the following:

  1. Formulating rules for the prevention and control of money-laundering and the financing of terrorism.
  2. Assisting, advising and investigating regulated entities on compliance with the above-mentioned rules.
  3. Receiving and analysing periodic or systematic reports electronically transmitted to the national FIU by regulated entities.

4. Receiving and analysing suspicious transaction reports submitted by regulated entities and transmitting them to the Public Prosecutor's Office for use in judicial investigations in cases with sufficient financial evidence.

- Exchange of information with the Financial Crimes Enforcement Network, FBI and Interpol in Venezuela, through the national FIU, as the body responsible for maintaining the exchange of intelligence information, together with the Intelligence and Preventive Services Directorate (DISIP) and CICPC.

- Establishment of the national network to combat money-laundering, a body attached to CONACUID, the purpose of which is to develop and strengthen the legal mechanisms necessary to control the offence of laundering funds derived from illicit drugs trafficking and related offences. For this purpose, CONACUID is implementing the 2002-2007 National Anti-Drug Plan, together with public bodies, non-governmental organizations and other private organizations, and also with the technical support of CICAD at the level of OAS.

- Coordination and exchange of information between CONACUID, the anti-drugs squad of the national guard and the national FIU, with a view to controlling trafficking in precursors (raw materials) for drugs and psychotropic substances, controlling money-laundering and investigating the movements of organized crime, through the implementation of the 2002-2007 National Anti-Drug Plan, consisting of three fundamental strategic segments:

1. Reduction of supply

Coordination and exchange of information between regional intelligence units and mobile intelligence teams providing international support in the investigation, monitoring, control and prohibition of trafficking in narcotic drugs (and of their precursors), especially in ports, airports, border posts and national and international customs points.

2. Reduction of demand

Media campaigns on integral prevention to combat the use and abuse of drugs at the municipal, regional and national levels, and awareness-raising programmes, especially in elementary, middle and upper schools, with the support of civil society.

3. International sphere

Formulation of multilateral plans, programmes and strategies among special intelligence units and offices to combat drug trafficking, and with international bodies involved in this area, including CICAD (OAS).

- Design and implementation of the strategic operational plan of the national network to combat money-laundering, aimed at preventing, monitoring, investigating and suppressing serious crimes of money-laundering and terrorist financing.

- Development of the training programme of the national network to combat money-laundering, for the purposes of identifying and sensitizing the staff of the agencies involved about the importance of forming an inter-agency

network which is able to promote national action to combat serious crimes of money-laundering and financing of terrorism.

- Implementation of training activities for public and private bodies at the national level by the national FIU, specifically:

  1. A forum on terrorism and terrorist financing organized by the head of the national FIU for representatives of insurance and re-insurance companies.

  2. An exhibition on the characteristics of financial transactions connected with the financing of terrorism organized by the national FIU, in the 2003 classification exercise carried out by SUDEBAN.

  3. 2003 classification exercise carried out from 26 to 28 November 2003 by SUDEBAN, which brought together compliance officials from banking institutions and currency exchange bureaux with experts from this body and from other national and international public entities specialized in this area. The objective was to identify the current techniques, schemes and likely methods for laundering funds and financing terrorism which may be in use in Venezuela, and preventive measures to be adopted by the regulated entities to minimize the possibility of being used as instruments to launder capital and/or finance terrorism.

- Implementation of a system on on-line registration for the register of auditors, instructors and advisers in the area of the prevention and control of money-laundering and the financing of terrorism by the national FIU, as a mechanism to facilitate the training of public officials in this area.

- Adoption of measures by SENIAT aimed at establishing more effective tools for customs investigations and the prevention of smuggling. Among them are, in particular, modernization of the customs system through the introduction of the national automated system for customs control (SIDUNEA), in accordance with the guidelines of the World Customs Organization (WCO). The objective is to bring the system in line with the requirements of international trade through the harmonization and automation of customs operations and cooperation and the exchange of successful national experience in customs procedures. The system allows, in general terms:

  (a) Reduction of processing from 37 to 7 steps;

  (b) Electronic receipt of cargo and transit manifests;

  (c) Electronic processing of goods declarations;

  (d) Control of the status of goods in customs;

  (e) Establishment of a regional customs centre for the purpose of providing training, technical assistance and continuous updates to all the countries of Latin America and the Caribbean which currently have access to SIDUNEA, and advice to those interested in incorporating it in their customs systems. (Project carried out in association with the United Nations Conference on Trade and Development (UNCTAD)).

IV. Terrorist acts recently carried out in the Bolivarian Republic of Venezuela in the recent past

Text of resolution 49/60

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them (...)

On 25 February 2003, two terrorist acts were perpetrated in the Bolivarian Republic of Venezuela against the premises of the Embassy of the Kingdom of Spain and against the premises of the Consulate of the Republic of Colombia. The investigations conducted by the Venezuelan security agencies yielded the following relevant information:

Case of the Embassy of Spain and the Consulate of Colombia

On 25 February 2003, at 2.10 a.m., CICPC learned, through a radio report from its transmissions room, that an explosive device had been detonated in the international trade office of the Embassy of the Kingdom of Spain, on Avenida Mohedano, La Castellana (Caracas), but no other details were known. A CICPC commission was therefore set up in order to verify the accuracy of the information provided, and investigations were begun to establish the material and intellectual origins of the crime.

The 57th public prosecutor's office, headed by Ana María Cermeño, was promptly notified, and the case was then taken up by the prosecutor of the 62nd public prosecutor's office, Gilberto Landaeta, who was recently appointed eighth national prosecutor, but is continuing to work on cases in which he was previously involved at the 62nd public prosecutor's office, including the case in question.

Subsequently, on the same day (25 February 2003), at 2.30 a.m., CICPC learnt, through a radio report, that an explosive device had been detonated on Avenida Casanova, at the intersection with Tamanaco, specifically at the Consulate of the Republic of Colombia, but no other details were known. A CICPC commission was therefore set up in order to verify the accuracy of the information provided and start the investigations.

This case was initially referred to the 39th public prosecutor's office, headed by Ivana Ricci Méndez, and was then assigned to the 62nd office, under Gilberto

Alfredo Landaeta Gordón, recently appointed eighth national prosecutor, who is continuing to work on cases in which he was previously involved at the 62nd public prosecutor's office, including the case in question.

At the same time, CICPC is drawing up a report to clarify the incidents which occurred at the Embassy of the Kingdom of Spain, noting the damage caused to the façade, which is partially destroyed, specifically part of the wall, floor and parking railing; there are also sentry boxes with broken window panes, and broken panes in all the windows of nearby buildings, as well as broken windows in a vehicle which was in the parking area.

CICPC is also drawing up a report to clarify the incidents which occurred at the Consulate of the Republic of Colombia, describing the damage caused to the façade and the injuries caused to three people, namely: a security guard at the Consulate of the Republic of Colombia, the porter of the Blandin Building and a four-year-old child.

Later, an interview was conducted with a security officer of the building opposite the Embassy of Spain, who said that a security guard had been injured in the incident and had been transferred to Chacao clinic. A commission was therefore sent to the site and was able to locate Enrique González Arévalo, identity card V-13.717.099, who was injured on the forehead and the right ankle by broken glass from the windows.

Next, on 8 March 2003, at 8 a.m., CICPC drew up a report, indicating that it had received a telephone call from an informer called Carmelo León, who said that the people who had ordered the laying of the explosives in both the Embassy of Spain and the Consulate of Colombia were soldiers called José Colina Pulido and Germán Valera.

On 26 March 2003 at 8 a.m., CICPC drew up a report in which it indicated that it had received a telephone call from the prosecutor of 62nd public prosecutor's office, Gilberto Landaeta, informing commissioner Carlos Capote that a certain Juan Carlos Sánchez Ramos was in his office, and would be interviewed in connection with the explosion which had occurred in the Consulate of Colombia, for which purpose he requested CICPC to designate a commission to attend the interview; the CICPC commission was able to identify the individual in question as Juan Carlos Sánchez Ramos, Venezuelan, 35 years of age, identity card V-06.301.007.

On 27 March 2003 at 2 p.m., CICPC drew up a report in which it indicated that it had received a telephone call from the prosecutor of the 62nd public prosecutor's office, Gilberto Landaeta, informing it that a certain Rolando Jesús Guevara Pérez was in his office, and would be interviewed in connection with the explosion which had occurred at the Consulate of Colombia, for which purpose he requested the designation of a CICPC commission to attend the interview. The commission identified the individual as Rolando Jesús Guevara Pérez, Venezuelan, 41 years of age, identity card V-05.513.979.

On 29 April 2003, at 2 p.m., CICPC drew up a report in which it noted that it had received a telephone call from the prosecutor of the 62nd public prosecutor's office, Gilberto Landaeta, informing that a certain Luis Gregorio Chacín Sanguines, mentioned in court documents G-136.819 and G-136.820, was detained at the headquarters of the special commission.

CICPC officials went there and were able to identify the individual as Luis Gregorio Chacín Sanguines, Venezuelan, born on 3 October 1965, 36 years of age, worker, identity card V-08.325.795, who said that on 25 February 2003 he had been at Plaza Altamira, he had heard a loud blast and saw that the Chacao police were being mobilized, and decided to follow them on a Yamaha motorcycle, model XT, colour — blue; he reached the Embassy of Spain, located at Avenida Mohedano in Urbanización La Castellana, where he saw that an explosion had taken place. He said that he spoke to a police inspector from Miranda named Nelson Camacho at the scene of the incident and that he then returned to the square, where he spoke to a person with the last name Da Costa, nicknamed el Catire, who asked to be taken to the Consulate of Colombia, where an explosive device had also been detonated.

When they arrived at the consulate, they found that an explosion had occurred which was similar to the explosion at the foreign trade office of the Embassy of Spain. He also said that he made a telephone call to the mobile telephone of Ernesto Lovera, and informed him of the incidents described above; and that he had received on his mobile telephone a call from colonel Giussepe Piglieri, who requested detailed information on the explosions.

Luis Gregorio Chacín Sanguines was arrested under warrant No. 041-03, of 28 April 2003, issued by the eleventh court of the metropolitan area of Caracas, for the crimes of aggravated homicide and personal injury.

On 7 November 2003, CICPC drew up a report in which it indicated that it had received a telephone call from the National Division to combat Extortion and Kidnapping informing it at Silvio Daniel Mérida Ortiz, V-06,153,251, was in the Division; he had been found by the Mariara sub-unit, state of Aragua, and appeared to have been kidnapped; and he said that he had participated in the explosions which had occurred in the Consulate of Colombia and the Embassy of Spain and had feared for his life because he suspected that he would be kidnapped for having participated in the incidents. He said that the explosions had been carried out by disaffected soldiers of the Plaza Francia, including general Felipe Rodríguez and a person nicknamed "El Armadillo", called Luis Chacín, with whom he had placed the explosive device in the Embassy of Spain and the Consulate of Colombia. He also explained that they had travelled on a Yamaha motorcycle, model XT-600, colour — blue, from which they had had a fall, causing damage to the vehicle and leaving behind a suitcase containing 500 pamphlets. He also implicated a lieutenant with the last name Varela and a lieutenant Colina.

The fourth national prosecutor, Danilo Anderson, ordered the arrest of Mr. Merida Ortiz under a warrant against him issued by the 11th court of the metropolitan area of Caracas for alleged participation in the placement and detonation of the explosives in the Embassy of Spain and the Consulate of Colombia.

Mr. Merida Ortiz was brought before the court by the prosecutor, and judge Deyanira Nieves ordered him to be imprisoned for the crimes of conspiracy, public intimidation, unlawful assembly and property damage, and he was detained in DISIP.

V. Prosecution of persons responsible for acts of terrorism in accordance with the relevant provisions in its national legislation

Text of resolution 59/60

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures (...), in particular:

(...)

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law.

The measures adopted to bring to justice the alleged perpetrators of the terrorist acts committed against the Embassy of the Kingdom of Spain and the Consulate of the Republic of Colombia include, in particular, the following:

- Referral of the case involving the Embassy of Spain to the 57th public prosecutor's office, headed by Ana María Cermeño, and subsequent referral of the case to the prosecutor of the 62nd public prosecutor's office, Gilberto Landaeta, who was recently appointed as eighth national prosecutor and is continuing to work on cases in which he was previously involved at the 62nd public prosecutor's office.
- Referral of the case of the Consulate of Colombia to the 39th public prosecutor's office, headed by Ivana Ricci Méndez, and subsequent allocation of the case to the 62nd public prosecutor's office, headed by Gilberto Alfredo Landaeta Gordón, recently appointed as the eighth national prosecutor, who is continuing to work on cases in which he was previously involved at the 62nd public prosecutor's office, including the case in question.
- Implementation of the arrest warrant for Silvio Daniel Merida Ortiz, identity card V-06.153.251, by the fourth national prosecutor, Danilo Anderson, under an arrest warrant against him issued by the 11th court of the metropolitan area of Caracas for alleged participation in the placement and detonation of explosives in the Embassy of Spain and the Consulate of Colombia.
- Arraignment of Silvio Daniel Mérida Ortiz by the fourth national prosecutor, Danilo Anderson, before the above-mentioned court, where judge Deyanira Nieves, who sentenced him to imprisonment for committing the crimes of conspiracy, public intimidation, unlawful assembly and property damage, after which he was imprisoned at the DISIP headquarters.
- Filing of charges against the following persons:

  1. General of the National Guard Felipe Rodríguez, alias "El Cuervo", identity card V-04.453.157, 49 years of age;
  2. Army colonel Giussepe Piglieri, 43 years of age, identity card V-07.324.312.

3. Lieutenant of the National Guard Germán Valera, 31 years of age, identity card V-10.697.857.

4. Lieutenant of the National Guard José Colina, 29 years of age, identity card V-12.094.230.

5. Luis Chacín, alias "El armadillo":, 38 years of age, identity card V-08.325.795.

6. Silvio Merida, alias "El catire", 38 years of age, identity card V-06.153.251.

- Currently Luis Chacín, alias "El armadillo", 38 years of age, V-08,325,795 and Silvio Mérida, alias "El catire", 38 years of age, V-06.153.251, are in detention; they have been charged and brought before the 11th court under judge Rita Hernández, case No. 2565-03, and are awaiting the outcome of the case.

- Furthermore, on 5 February 2005 in the La Urbina settlement, at the intersection of 13th and 14th streets, residencia "Leonardo da Vinci", second floor, apartment 22, Sucre municipality (Caracas), general Felipe Rodríguez, alias "El cuervo", identity card V-04.453.157, 49 years of age, was detained by the military intelligence directorate and is being held in the Yare 1 penitentiary centre. He is charged with the crimes of conspiracy, civil rebellion, incitement to insurrection, unlawful assembly, aggravated arson, injury, illegal bearing of firearms and illegal bearing of military weapons, and the preliminary hearing is set for 31 March 2005 at 2 p.m.